

SCHLEY'S FLAG LIEUTENANT DEBATES HIS COMMANDER.

Every Movement in Cienfuegos and Santiago Campaigns Approved by Lieutenant Commander Sears—Point-Blank Denial of Testimony Offered by Other Witnesses in the Case.

THOUGHT THE ENEMY WAS TRYING TO RAM THE BROOKLYN.

SUMMARY OF NEW EVIDENCE FOR DEFENSE BEFORE THE SCHLEY COURT OF INQUIRY.

- The story of Commander Schley's movements before Cienfuegos and in the flight of Santiago was told yesterday before the Naval Court of Inquiry by Lieutenant Commander James H. Sears, who was Commander Schley's Flag Lieutenant in the Spanish War. The Lieutenant Commander detailed the movements of the squadron, and the every important detail of the testimony of Captain Cook, submitted the previous day, and testified that in the flight of Santiago he thought one of the Spanish ships was trying to ram the Brooklyn and had so informed Commander Schley. He told of the report of the engagement that had been written by the Commander, but had not been sent, having been supplanted by the message of Admiral Sampson. He denied that, in the execution of the Brooklyn's "loop," there was any serious danger of a collision with the Texas.
- The other witnesses of the day were the pilot, Nunez, and Captain Cook, who appeared to make corrections of their testimony.

Washington, Oct. 15.—Only one new witness was heard in detail by the Schley Court of Inquiry today. This was Lieutenant Commander James H. Sears, who was Commander Schley's Flag Lieutenant during the Spanish War. He gave a detailed account of the entire Cuban campaign, including the brief siege of Cienfuegos, the retrograde movement of the Flying Squadron in search of coal, the blockade of Santiago, the reconnaissance of the Santiago shore batteries and the bombardment of the Cristobal Colon May 31, and the battle of Santiago July 3, when Cervera's fleet was destroyed. He placed the distance out of the blockading line at Cienfuegos at from three to six miles. He expressed the opinion that in the battle of July 3 it had been the Viscaya's intention to ram the Brooklyn.

While Commander Sears was on the stand, Captain Lemly asked his age, but the court, after a prolonged consultation in retirement, decided that the question was not admissible. It held, however, that the time of service could be inquired into.

Mr. Rayner sought to secure the introduction of a brief report of the battle of July 3, which Commander Schley prepared for transmission to the Secretary of the Navy. It was stated that Commander Sears had taken this dispatch ashore to be cabled to the Secretary, but that it never had reached that official. The dispatch was ruled out on the ground that, as it was not received, it was not an official communication. It was not read in the courtroom, but the following is a copy of it:

"The Secretary of the Navy Washington: Spanish squadron came out of Santiago Harbor this morning, July 3, at 9:30, and were all captured or destroyed in a running fight to the westward of about three and one-half miles. Very few casualties on our fleet; Ellis, chief yeoman, killed, and one man wounded on the Brooklyn. Reports from other ships not yet in. The commander-in-chief now superintending transfer of prisoners from the Cristobal Colon, which surrendered at 10:30. About 1,000 prisoners in all, including Spanish Admiral. Victory complete; details later.

(Signed) "SCHLEY." Captain Cook was recalled, and in response to a question by Captain Lemly made an additional statement concerning the retrograde movement of the Flying Squadron, May 26 to May 28. He also said, in answer to a question by the court, that Commander Schley during the battle of July 3 was "cool, brave and enthusiastic. I cannot imagine any conduct in battle more admirable."

PILOT SEARS TESTIMONY. Eduardo Nunez, the Cuban pilot, was among those who were called to correct former testimony. He added to his statement of yesterday that he had seen the Brooklyn firing on May 31, the day of the bombardment of the Colon, whereas, the records show that that vessel was at that time coaling and did not participate in the engagement. He also made a correction in his former statement concerning his conversation with Commander Schley on first meeting him. His corrected statement of that incident was presented by his interpreter in written form and read, as follows:

"During the conversation I had with Commander Schley I said, not that the water was not deep enough, but that the water was shallow, and that the Brooklyn was not being under the most favorable conditions of weather. I also was asked by Admiral Schley if I thought his flagship could enter the harbor, and I answered him that I did not consider it advisable for the conditions before mentioned, and before there were no buoys to mark the channel, for the Spanish fleet had picked their way up to the American fleet from coming inside the port, and besides that, they had many torpedo lines across the entrance."

Commander Sears followed Nunez. Mr. Rayner questioned him, saying at the beginning of the examination that he would ask him concerning the points of the present and the past. The points should be as concise as possible. Mr. Sears said that, when the Flying Squadron arrived off Cienfuegos, he knew nothing of a code of signals for the Spanish fleet, but the Cuban flag was hoisted. Questioned concerning the McCalla memoranda, he said it had been brought to Commander Schley by the Hawk and by no other vessel, to his knowledge. Commander Sears gave a detailed account of the encounter with the Spanish fleet, and the examination on this point being as follows:

HEART DISEASE.

Some Facts Regarding the Rapid Increase of Heart Trouble.

Heart troubles, at least among the Americans, are certainly increasing, and while the reason may be largely due to the stress and worry of American business life, it is more often the result of weak stomachs, or poor digestion.

Real organic disease is incurable, but not one case in a hundred of heart trouble is of this kind.

The close relation between heart trouble and poor digestion is because the organs are controlled by the same great nerves, the Sympathetic and Pneumogastric.

In another way, also, the heart is affected by the form of poor digestion, which causes gas and fermentation from half-digested food. There is a swelling in the chest, caused by pressure of the distended stomach on the heart, and heart palpitation and short breath.

Poor digestion also poisons the blood, making it thin and watery, which irritates and weakens the heart.

The most sensible treatment for heart trouble is to improve the digestion and to insure the prompt assimilation of food.

This can be done by the regular use of a reliable and effective digestive preparation, like Stuart's Dyspepsia Tablets, which may be found at all drug stores, and which contain valuable, harmless digestive elements in a pleasant, convenient form.

It is as easy to say that the regular, persistent use of Stuart's Dyspepsia Tablets at least will improve the digestion and prevent the most common cause of the stomach.

Full-sized packages of these tablets sold by druggists at 50 cents. Little book on stomach troubles mailed free. Address F. A. Stuart Co., Marshall, Mich.

as the dispatch had not reached the department it could not appear.

"Suppose it was not Commander Schley's fault that the dispatch was not forwarded," asked Mr. Rayner.

To this inquiry Admiral Dewey responded: "You can't ask questions of the court. We are not in the habit of asking questions of the court. The report is in evidence, and that is sufficient."

COMMODEORE SCHLEY'S BEARING.

Mr. Rayner questioned the witness again concerning his association with Lieutenant Commander Schley on the Massachusetts, and asked if he had any conversation with Commander Schley on the occasion of the Colon reconnaissance, anything in the presence of Mr. Potts concerning the conspicuousness of the performance of the ships as they sailed toward the turret during the firing of the enemy's batteries. The witness replied in the negative.

In reply to a question, Commander Sears said he had been with Commander Schley in five engagements, all told. He was then asked as to the bearing of that officer under fire, and replied: "His bearing to me was a model for anybody worthy of emulation at all times. Under fire his faculties, if it was possible, seemed to be clearer, and he seemed to be more in possession of them at all other times."

"Was he in any state of excitement?" "Not the slightest."

"Was he cool and calm?" "Absolutely."

"How about points of danger—would he get away from them, or did he expose himself to them?"

He was always putting himself in exposed positions, I requested him many times not to expose himself, as it was useless to do so.

Judge Advocate Lemly conducted the cross-examination of the witness, who said that Commander Schley had discussed the coal situation freely with him, and that when the retrograde movement was begun the Texas had only a little more than enough coal to carry her to the nearest coaling station. He had, he said, been aware of the westward movement of the Brooklyn suggested that such a course of inquiry would open the doors to a wide range of inquiry. He did not believe that criticism of a junior officer, if made, should affect the Commander. The witness continued by saying that he had had as many as half a dozen conversations with the Commander concerning the return, but he could not give particulars of those talks. He had, at Commander Schley's instance, made the signal for the westward movement. He had, he said, been aware of the American guns on May 31. Mr. Sears said he had given it at 7:00 p.m. under a direction from Commander Schley. Asked if he had had any conversation with Commander Schley concerning that range, he replied in the negative.

"Did you not state otherwise in the wardroom of the Massachusetts?" Mr. Lemly asked.

"That question is inadmissible," said Admiral Dewey, before the witness could reply. "Unless Schley was present."

Captain Lemly and Mr. Hanna contended for the admission of the question, and Mr. Rayner conceded that it was proper on cross-examination for the purpose of impeachment. The witness then went on to go on, and Captain Lemly asked more specifically than before, saying: "I want to know if you did not state otherwise with regard to that range in the wardroom of the Massachusetts on the day of the action of May 31 than you have just stated that you have stated here you have said nothing else?"

"I have no recollection of stating anything else," replied the witness.

"Are you positive?" "I am positive."

"Now, refresh your memory. I ask if you did not say in the wardroom of the Massachusetts that you would not encourage him. It is all we have been able to do to work him up to this, or words to that effect."

"No, I never said anything of the kind," replied the witness.

In reply to further questions the witness said that, while no conclusion could be reached from the signal fire, the Spanish fleet was preparing to escape, yet the situation was so tense that the Commander was doing something that was going to occur. The court then recessed for luncheon.

MORE DETAILS ABOUT THE MOVEMENT.

The afternoon session began with the recall of Captain Cook for the purpose of correcting the testimony given by him yesterday. In this connection the court asked the following question: "What conversation, if any, did you have with Commander Schley about the movement of the ship before or after the signals were made and the order given on May 25 to return to Key West?"

"As near as I recollect the circumstances of this case, and as far as I am concerned, had been brought to me that signal had been made 'Bound for Key West by Yucatan' and that the ship was to be ordered to go on and to see the Commander about it. I asked him what the signal meant, and he said that it was a signal for the ship to go on and to see the Commander about it. I asked him what the signal meant, and he said that it was a signal for the ship to go on and to see the Commander about it."

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collect whether "cease fire" was made or not.

"Did you observe the turn of the Brooklyn from the time the helm was put hard around until she headed the westward on course parallel to that of the Spanish vessel?"

"I did."

"Did the Brooklyn turn steadily and rapidly, and through all points or did she head longer on some points than on others?"

"From the time the Viscaya turned to westward nearer to the Texas, the turn was complete, and the helm was not touched from my observation. It was a complete turn at the speed we were making."

The Judge Advocate: "Do you know which of the vessels on July 2 hoisted the signal 'Enemy'?"

"I do not know of my own observation. The report was the Iowa got it up first. That was the signal for the fleet to stand by an order, but as a general alarm of warning to the fleet."

"That was in the orders of the command."

"It does not appear before the court as evidence that there was a signal directing the Oregon to open fire with 13-inch guns. Can you point out where a record of that can be found?"

"No, unless it is in the Brooklyn's signal book."

"Can you state as to the time this signal was made, whether the Oregon had before that time not used her 13-inch guns?"

"Do you recollect the signal at 2:30 p.m. on May 31 from the Massachusetts to the squadron, 'Don't go in any closer'?"

"I do not recollect the signal."

"Do you know whether the Brooklyn crossed the bow of the Texas?"

"She did not."

By the court: "Did the vessels close up July 3 in the morning, the signal made from the Brooklyn, or was there a standing order for them to close up in case the enemy attempted to escape?"

"There was a standing order that if the enemy attempted to escape, the squadron was to close up and destroy him, or words to that effect."

When the court concluded its questions, Commander Sears was excused, and the court adjourned for the day.

LOCATING MISSOURI TROOPS.

Commissioners Visit Scene of the Vicksburg Siege and Battle.

REPUBLIC SPECIAL. Vicksburg, Miss., Oct. 15.—The Missouri-Vicksburg Park Commissioners visited the old battlefield today. The Federals were headed by Captain Rigby, the Federal member of the local commission, while General S. D. Lee headed the Confederates.

The Federals located and marked the positions of the Seventeenth Army Corps and one-half of the Fifteenth Regiment. There are yet several regiments and one battalion to be located and marked.

The Confederate commissioners had Engineer Betts with them and succeeded in staking out all but two positions of their men during the siege. The commission probably will not get away before Thursday morning.

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